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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,535	11/14/2003	Vaughn J. Weston	1010-5554.1US (214-30819)	2205
24247	7590	04/05/2006	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,535

Applicant(s)

WESTON ET AL.

Examiner

Matthew O. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-9-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the scraper adjacent an interior surface of the sidewall as recited in claims 7, 17, and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by the General Arrangement Reactor Clarifier Drawing (Publication date of 8-22-06 given in the IDS filed on 2-9-06).

With respect to claim 1, the General Arrangement Reactor Clarifier Drawing shows a feedwell for use in a clarifier tank including a body defining a volume for flowing a slurry therethrough, the body including a side wall and a floor, wherein the floor defines at least one opening therein for discharging the slurry, and wherein the at least one opening is configured to constrict flow of the slurry, the body being sized and configured to be at least partially disposed within an interior of a clarifier tank, at least one baffle disposed within the body in a fixed position relative thereto, and at least one paddle located and configured to rotate within the body about a central axis of the body.

As to claim 5, the General Arrangement Reactor Clarifier Drawing includes a paddle attached to a drive shaft of a clarifier.

Concerning claims 6 and 7, the General Arrangement Reactor Clarifier Drawing includes a scraper (e.g., formed by the upper paddle) adjacent an interior surface of the floor and an interior surface of the sidewall.

Regarding claim 9, the General Arrangement Reactor Clarifier Drawing includes a baffle (e.g., formed by the rake) beneath the opening.

Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain.

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With respect to claim 19, Jain discloses a feedwell 3 (see FIGS. 4 and 6) for use in a clarifier tank including a body defining a volume for flowing a slurry therethrough, the body including at least a side wall and a floor 5 and being sized and configured to be at least partially disposed within an interior of a clarifier tank and at least one scraper 19 relatively moveable with respect to the body, the at least one scraper being located and configured to remove an amount of built-up material deposited on an interior surface of the body.

Concerning claim 20, Jain discloses a scraper 17 adjacent the sidewall.

As to claim 21, Jain includes at least one scraper 19 configured to remove build-up material from an interior surface of the floor.

Claims 1, and 5-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gustafson.

With respect to claim 1, Gustafson discloses a feedwell 10a (see FIG. 4) for use in a clarifier tank including a body defining a volume for flowing a slurry therethrough, the body including a side wall 85 and a floor, wherein the floor defines at least one opening 87 therein for discharging the slurry, and wherein the at least one opening is configured to constrict flow of the slurry, the body being sized and configured to be at least partially disposed within an interior of a clarifier tank, at least one baffle 25a disposed within the body in a fixed position relative thereto, and at least one paddle 43a located and configured to rotate within the body about a central axis of the body.

Regarding claim 5, Gustafson includes a paddle 44a attached to a drive shaft of a clarifier.

As to claim 6, Gustafson discloses a scraper (e.g., formed by paddle 43a) adjacent the interior surface of the first and second floor sections.

Concerning claim 7, Gustafson discloses a scraper (e.g., formed by paddle 42a) adjacent the interior surface of the sidewall.

Regarding claim 8, Gustafson includes a first floor section (e.g., a lower conical portion of sidewall 85) and a second floor section 86 spaced therefrom, the second floor section 86 being disposed radially inwardly of the first floor section with an opening 87 defined therebetween.

Regarding claim 9, Gustafson includes a baffle 44a beneath the opening.

With respect to claim 10, Gustafson discloses a feedwell 10a (see FIG. 4) for use in a clarifier tank including a body defining a volume for flowing a slurry therethrough, the body including a side wall 85, a first floor section (e.g., the lower conical portion of sidewall 85) extending inwardly from the side wall toward a central axis of the body, and a second floor section 86 positioned radially inwardly of the first floor section, the second floor section extending outwardly from a location proximate the central axis of the body, wherein the first floor section and the second floor section are configured to define at least one substantially annular opening 87 therebetween such that slurry is discharged from the body in a substantially annular pattern.

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As to claim 11, Gustafson discloses the second floor section 86 as extending downwardly as it extends outwardly from the location proximate the central axis of the body.

Regarding claim 12, Gustafson discloses the first floor section extends downwardly as it extends inwardly from the side wall.

Concerning claim 13, Gustafson discloses the annular opening 87 as constricting the flow of slurry since the annular opening has a cross sectional area that is smaller than a cross sectional area of the feedwell.

As to claim 14, Gustafson discloses a baffle 25a fixed within the body.

Regarding claim 15, Gustafson discloses a paddle 43a located and configured to rotate within the body about the central axis.

As to claim 16, Gustafson discloses a scraper (e.g., formed by paddle 43a) adjacent the interior surface of the first and second floor sections.

As to claim 17, Gustafson discloses a scraper (e.g., formed by paddle 42a) adjacent the interior surface of the sidewall.

Concerning claim 18, Gustafson discloses a baffle 44a disposed beneath the annular opening 87.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view of the General Arrangement Reactor Clarifier Drawing (Publication date of 8-22-06 given in the IDS filed on 2-9-06).

With respect to claim 1, Jain discloses a feedwell 3 for use in a clarifier tank including a body defining a volume for flowing a slurry therethrough, the body including a side wall and a floor 5, wherein the floor defines at least one opening 21 therein for discharging the slurry, and wherein the at least one opening is configured to constrict flow of the slurry, the body being sized and configured to be at least partially disposed within an interior of a clarifier tank, and at least one paddle 17 located and configured to rotate within the body about a central axis of the body. Jain fails to specify at least one baffle disposed within the body in a fixed position relative thereto. The General Arrangement Reactor Clarifier Drawing discloses an analogous feedwell of which includes at least one baffle disposed within the body in a fixed position relative thereto, and suggests that such a structure facilitates mixing of the liquid to be clarified. It would have been obvious to have modified the feedwell of Jain so as to have included the baffles as disclosed in the General Arrangement Reactor Clarifier drawing in order to facilitate mixing of the liquid to be clarified.

Concerning claim 2, Jain discloses the body as including a top wall coupled to the sidewall (see FIG. 6).

As to claim 3, Jain discloses the top wall as being frustoconical in shape (see FIG. 6).

Regarding claim 4, the combination of Jain and the General Arrangement Reactor Clarifier drawing includes a baffle fixed to the top wall via the sidewall.

As to claim 5, Jain discloses the paddle 17 as being attached to the drive shaft of a clarifier (see FIG. 4).

Concerning claim 6, Jain discloses a scraper 19 located and configured to rotate about the central axis adjacent an interior surface of the sidewall.

Concerning claim 7, Jain includes a scraper (e.g., formed by paddle 17) adjacent the sidewall.

Regarding claim 9, Jain includes a baffle 37 disposed beneath the opening 21.

With respect to claim 22, Jain fails to specify at least one baffle fixed within the body. The General Arrangement Reactor Clarifier Drawing discloses an analogous feedwell of which includes at least one baffle fixed within the body and suggests that such a structure facilitates mixing of the liquid to be clarified. It would have been obvious to have modified the feedwell of Jain so as to have included the baffles as disclosed in the General Arrangement Reactor Clarifier drawing in order to facilitate mixing of the liquid to be clarified.

Concerning claim 23, Jain discloses a paddle 17 located and configured to rotate within the body about a central axis thereof.

With respect to claim 24, Jain discloses a tank 7 configured to hold a volume of fluid therein, a feedwell 3 disposed in the tank 7 including a body 3 defining a volume for flowing a slurry therethrough, the body including a side wall and a floor 5 coupled to the sidewall defining at least one opening 21 therein for discharging the slurry, and the at

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least one opening being configured to constrict flow of the slurry, and at least one paddle 17 located and configured to rotate within the body about a central axis of the body, and at least one scraper 19 located and configured to rotate about the central axis of the body adjacent an interior surface of the body. Jain fails to specify at least one baffle disposed within the body in a fixed position relative thereto. The General Arrangement Reactor Clarifier Drawing discloses an analogous feedwell of which includes at least one baffle disposed within the body in a fixed position relative thereto, and suggests that such a structure facilitates mixing of the liquid to be clarified. It would have been obvious to have modified the feedwell of Jain so as to have included the baffles as disclosed in the General Arrangement Reactor Clarifier drawing in order to facilitate mixing of the liquid to be clarified.

Regarding claim 25, Jain includes a baffle 37 disposed beneath the opening 21.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 2-9-06 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Savage
Matthew O Savage
Primary Examiner
Art Unit 1724

mos
April 3, 2006